

19

Department of Revenue

OFFICE Board of Revenue
STATION Madras

No. 3059

Dated 16-10-1930

	Date	Initi
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DESPATCHED
22 OCT 1930

(SUBJECT.)

Revenue Recovery (S. Kanara) Rule 3 of
of the Revenue Recovery Act - ~~Amendment~~

In reply, please quote
number, date and short
title.

Received Registered

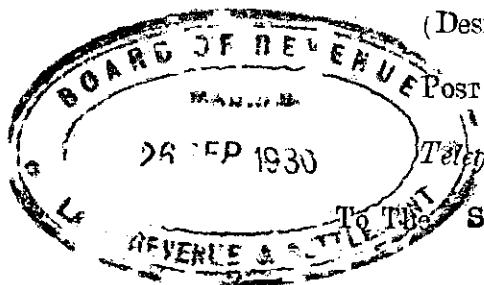
From (Name) G. W. Wells, Esquire, M.A., I.C.S.,

(Designation) Collector of South Kanara.

Post Box (STATION) Mangalore.....

Telegraphic Address

To The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.



R.O.C. No. 8836-30-A5 dated 22-9-30 102

Sir,

ENCLOSURES

* Revenue Recovery Act - sale of land - Payment of
full purchase money - period fixed under section 36 -
curtailment proposed.

SPARE COPIES

There have been numerous sales of land for the
recovery of land revenue due for fasli 1339 in the Kasargod
Taluk and the actual balance in that Taluk at the end of
the fasli amounted to Rs. 6622-9-6. It is reported that in
the majority of these sales, either the defaulter or some
person interested in the land sold, has paid the arrears
together with the 5 per centum of the bid amount on the
last day of the period allowed under section 37 A of the Act.
The purchaser of the land at the sale deposited the 15 per
cent of the bid amount, but did not care to pay the balance.
He is not a loser thereby and I am led to believe that in
most of the cases the purchasers are tools put forward by
the defaulters to gain time. This practice is certainly an
evil one. With a view to obviating purchases which are
never intended to be completed, I suggest that the third
rule under section 36 of the Act, may be amended by -----
requiring earlier payment of the full purchase money.

M. Code.
Vol. 1353.

Your obedient servant,

G. W. Wells

For Collector.

G. W. Wells
26.9.30

Re Genre Recovery. (C. Kanara).

READ AGAIN B. P. No. _____, dated ~~1914~~ *Amended March* 193

" " " " " *M. w. jermesi* 193

Register No. _____, From the _____, No. _____, dated _____, 193_____

A 2954 / 30 - 72.

91 _____ 92 _____ 93 _____ 193

193

RESOLUTION. (Pis) No. 3059, dated 16-20-1930

It is observed from the Collector's letter that in the majority of the sales, the arrears and 5 per cent of the bid amount ~~are~~ ^{were} paid on the last day of the period allowed under Sect. 37 A of the Act. ^{(17 of 1864) Madras} of this period is ~~cut down~~ ^{reduced}, it is possible to recover the arrears a little earlier; but the disadvantage is that there are greater chances of the defaulter losing his

altogether.

land. Any period fixed
must be such as to safe-guard
the interests of Govt and the
defaulter alike. The period
now allowed under the Act secures the double object
of such a kind and when the
period is ^{under 37 1/2} ~~is not~~ to be ^{certified} ~~cut down~~
the Board sees no point
in reducing the period allowed
in Rule 3 of Sect. 36 of the Act.
for payment of the balance of the
purchase money.

Rs. 14.60.30

of
- 16.40.30

Issue

17.10.30

To The Collector of
South Kanara

And out of
17.10.30

recd
17.10.30
20/10.

M₁
~~CC~~
~~As LP~~

Re Revenue Recovery Act - 1913
of 1913 - amendment to
Sect 36. rule 3. —

A 2954 / 20.

Madras Cor-rali
p 352

Please see the letter from
the Coll^r of S. Kanara.
2. Under Rule 3 of Sect 36
of the Revenue Recovery Act,
the purchaser is to deposit
with the Coll^r or other officer
empowered by him a sum
equal to 15 % of the sale
price at the time of the
purchase (ie on the sale day)
and the balance within 30
days from the date of the
sale. The Coll^r says
that most of the purchasers
are only tools put forward
by defaulters to fake the
and in order to prevent
sales which are never
intended to be completed
he suggests that the time

of 30 days now allowed to
purchasers may be reduced.

and Rule 3 of Sect. 36 of

Revenue Recovery Act amended
accordingly.

Under Sect. 123 of the
Act, the purchaser should
pay full the sale price

the day of the sale or soon
thereafter as the selling officer
directs. Rule 88 - order

XXI of the Civil Procedure Code

now allows the purchaser only
5 days. It is perhaps an

analogy of the provisions

these two Acts, the Court
appeals to the amendment to the
Revenue Recovery Act.

It is doubtful whether
tailment of the time allowed

purchasers will put a stop
to collusion and incomplete sales.

Even though the period may be
reduced to 15 days, the sale

must be confirmed all at once.

At any time within 30 days
on the date of the sale the
owner or any one interested

~~Supplement to~~
Madras Code p 1148
Vol II

f - - C - c
(1 - 1 - 1)

Sec. 37-A of the

Rev. Recovery Act (II of 1934)

Madras Code } p 353.
vol I }

vid: also see 38 - d

Rule 92 - order XXI of the

C.P.C. at p 219 - (Proced. part up)

Section 113 - C - Act
p 1150

in the land may deposit a sum equal to 5% of the purchase money and the arrears with costs and apply for the Cancellation of the Sale. The Estate Land Act and the C.P.C. allow Confirmation of the Sale only 30 days after the Sale. Collisions and incomplete Sales can to some extent be prevented by ^{now} reducing the time allowed for Confirmation of the Sale but this cannot be done as the owner or anyone interested in the land has to be given a fair opportunity to pay the arrears with costs and redeem the land. Of the time allowed to purchasers is restricted to 15 days as in the C.P.C. the defaulters if he does not pay the arrears within that period will have to pay to the purchaser 5% of the ^{full} purchase.

only. It thereby incurs
greater loss than at present.

This may perhaps be

sufficient inducement to
pay the arrears within 15

days of the sale but does

not appear to be a remedy
against collusion and incomplete

sales. In the circumstances

an amendment of the Act
does not seem necessary for orders.

5. Attachment and Sale
of lands delay collection and

add to the work of the revenue

dept. - If prompt action is
taken against the moveables of

the defaulters under Sect. 8 of

the Act there would be no need

to bring the lands to sale - as

it is apparent from the Collector's

letter that the defaulters ^{are} all

mean or mean to ~~pay off~~ the

arrears and never allow the

sale of their land to be ^{perhaps} conformies.

The C.M. may be informed
as above. For orders.

It seems unnecessary to follow the
analogy of the P.C. Sales under the

Madras Code vol. 1
p. 346.

842
p 354 vol C
Madras Code

Revenue Recovery Act are free of all
encumbrances. While this can not so under-
the C.P.C 27 r - 10 and the
for 11-10-30
Subordinate Gen. Officers
negligent the number of sales
land for the realization of
arrears of land revenue can be
appreciably reduced. The defect
in the cases of sanctioned
sales referred to by the
collector does not seem to be
useful. ~~they~~ ^{they} must ^{have} been
due either to negligence or
want of money. Under S. 37.
The defaulters have to pay not
only the ^{interest on them} arrears, and 5% of
the purchase money but also
expenses of attachment, sale
etc. No ^{sufficient} case has been made
out for the amendment of
the Act.

S
11-10-30

The C. admit that in
the majority of the sales
the arrears + 5% of the
purchase money are paid

of the a lower end
 537-A 7 in 102.
 of this period is not
 1930 it means 1940.

we return the 2000s
 a little earlier 2000
 1740000, 1 is 1942
 1942 to 1944
 Chances of the 1940s
 leaving this land altogether.
 every person must
 be done as a integrated
 for interests, 1942-44
 1944 to 1946. The
 period and a 1946-48
 for 1946-48 for a
 kind. This is in the
 period is not in the
 1946-48, 1948
 1948, 1948 is 1948
 1948, 1948 is 1948
 1948, 1948 is 1948
 1948, 1948 is 1948
 1948, 1948 is 1948

Jagmuk S.
 13/10